

ASSEMBLY BILL

No. 2687

Introduced by Assembly Member Margett

February 25, 2000

An act to amend Sections 8211 and 8223 of, and to add Section 8215 to, the Government Code, relating to notaries public.

LEGISLATIVE COUNSEL'S DIGEST

AB 2687, as introduced, Margett. Notaries public: liability, immigration consultant services, fees.

(1) Existing law makes notaries public liable in a civil action for damages proximately caused by official misconduct or negligence.

This bill would limit a notary's liability in the performance of a notarial act to a failure to perform properly notarial acts and would provide that a notary's liability shall not be based on statements in a notarized document apart from the notarial certificate.

(2) Existing law prohibits notaries who hold themselves out as immigration consultants from advertising that they are notaries but allows notaries to enter data provided by clients on federal or state immigration forms for a fee.

This bill would require a notary who provides immigration form data entry services to be qualified and bonded as an immigration consultant under the Business and Professions Code.

This bill would restate from another provision of the Government Code the prohibition against charging fees for notarization of an application or claim for veteran's benefits.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8211 of the Government Code is
2 amended to read:

3 8211. Fees charged by a notary public for the
4 following services shall not exceed the fees prescribed by
5 this section.

6 (a) For taking an acknowledgment or proof of a deed,
7 or other instrument, to include the seal and the writing
8 of the certificate, the sum of ten dollars (\$10) for each
9 signature taken.

10 (b) For administering an oath or affirmation to one
11 person and executing the jurat, including the seal, the
12 sum of ten dollars (\$10).

13 (c) For all services rendered in connection with the
14 taking of any deposition, the sum of twenty dollars (\$20),
15 and in addition thereto, the sum of five dollars (\$5) for
16 administering the oath to the witness and the sum of five
17 dollars (\$5) for the certificate to the deposition.

18 (d) For every protest for the nonpayment of a
19 promissory note or for the nonpayment or
20 nonacceptance of a bill of exchange, draft, or check, the
21 sum of ten dollars (\$10).

22 (e) For serving every notice of nonpayment of a
23 promissory note or of nonpayment or nonacceptance of
24 a bill of exchange, order, draft, or check, the sum of five
25 dollars (\$5).

26 (f) For recording every protest, the sum of five dollars
27 (\$5).

28 (g) No fee ~~shall~~ *may* be charged to notarize signatures
29 on absentee ballot identification envelopes or other
30 voting materials.



(h) For certifying a copy of a power of attorney under Section 4307 of the Probate Code the sum of ten dollars (\$10).

(i) *In accordance with Section 6107, no fee may be charged to a United States military veteran for notarization of an application or a claim for a pension, allotment, allowance, compensation, insurance, or any other veteran's benefit.*

SEC. 2. Section 8215 is added to the Government Code, to read:

8215. In the performance of a notarial act, a notary's liability shall be limited to a failure by the notary to perform properly the actions required for the jurat, acknowledgement, or other notarial act. The notary's liability shall not be based on statements in a notarized document apart from the notarial certificate.

SEC. 3. Section 8223 of the Government Code is amended to read:

8223. (a) No notary public who holds himself or herself out as being an immigration specialist, immigration consultant or any other title or description reflecting an expertise in immigration matters shall advertise in any manner whatsoever that he or she is a notary public.

(b) A notary public *qualified and bonded as an immigration consultant under Chapter 19.5 (commencing with Section 22440) of Division 8 of the Business and Professions Code* may enter data, provided by the client, on immigration forms provided by a federal or state agency. The fee for this service shall not exceed ten dollars (\$10) per individual for each set of forms. If notary services are performed in relation to the set of immigration forms, additional fees may be collected pursuant to Section 8211. This fee limitation shall not apply to an attorney, who is also a notary public, who is rendering professional services regarding immigration matters.

(c) Nothing in this section shall be construed to exempt a notary public who enters data on an immigration form at the direction of a client, or otherwise

1 performs the services of an immigration consultant, as
2 defined by Section 22441 of the Business and Professions
3 Code, from the requirements of ~~Sections 22440 to 22447,~~
4 ~~inclusive,~~ Chapter 19.5 (commencing with Section
5 22440) of Division 8 of the Business and Professions Code.
6 *A notary public who is not qualified and bonded as an*
7 *immigration consultant under Chapter 19.5*
8 *(commencing with Section 22440) of Division 8 of the*
9 *Business and Professions Code may not enter data*
10 *provided by a client on immigration forms nor otherwise*
11 *perform the services of an immigration consultant.*

